

There is not a plausible path for that to happen in the next year and a half of the President's term. It took President Obama two terms to engage in multilateral sanctions to get the Iranians to the negotiating table. There are no credible analysts of Iranian behavior or of politics in the Middle East that will tell you that the Iranians are going to come back to the negotiating table in the next 12 months, in part, because the balance of powers has totally flipped.

Under the Obama administration, it was the United States, Europe, China, and Russia on one side and the Iranians on the other side. President Trump has managed to flip that alignment, such that it is now the Iranians, the Europeans, the Chinese, and the Russians on one side and the United States isolated on the other. If you don't believe me, just take a look at the statements that many of those parties sent out in response to Iran's decision last night, effectively aligning themselves with the Iranians' decision to restart their nuclear program instead of aligning themselves, as they had for years, with the U.S. position of strict nonproliferation.

It is a disaster for the United States that Iran has restarted its nuclear weapons program. It is a massive failure of President Trump's strategy, but it is only one element of a meandering Iranian strategy that is accruing to the national security detriment of the United States.

Let's talk about our second primary objective in this region. I referenced it at the outset. It is to prevent the reemergence and reconstitution of ISIS inside Iraq and Syria. We have bad news to report there as well.

The Trump administration took another step that had been counseled against by his generals and by his military leaders, and that is the designation of the IRGC—an element of the Iranian military—as a terrorist group. Now, nobody could come to this floor and defend the actions of Iran or the IRGC. They have absolutely supported terrorism in the region for years. They supported Shia militias inside Iraq that were shooting at and killing American troops. Yet, notwithstanding that activity, our military leaders and our diplomats inside Iraq cautioned the administration against making this designation because weighing the costs of it against the benefits to our military leaders was a clear case.

The costs are this: By telling these militias inside Iran that they have to make a choice today between the United States and this newly designated terrorist group, the Iranian militias make the choice easily. They align themselves with Iran, their neighbor, not the United States. The effect of our decision is to push more of these militia groups closer to the Iranians.

Second, we no longer can talk diplomatically to the groups that have associations with the IRGC, and that is a

lot of these militia groups. That means that the United States effectively takes itself out of the game diplomatically. We no longer have the ability to engage in political reconciliation in the country like we used to.

All of this presses the case of ISIS, as they are able to make the case that Baghdad is more and more leaning toward Shia interests and Iranian interests. As the United States isn't there in order to press the reconciliation case, ISIS has an opportunity to reemerge. All of this also accrues to the benefit of those interested in Iraq who want the U.S. military out.

Just months ago there was an effort to push a bill through Parliament to expel the United States and our continued hard line on Iran. As much as it may make sense to the air-conditioned offices of the White House to allow those interests in Iraq to, potentially, successfully litigate the case to push the U.S. military out of that country, it would, once again, open the gates to ISIS.

As far as I can tell, the administration's policy is to set in motion a series of escalatory actions with respect to Iran that has no end game with no logical conclusion. There isn't a diplomatic process at the end of this rainbow. The President has a year and a half left in his term. There isn't enough time, and there is no willingness in Iran and no partners on our side, as I have mentioned.

So what is the other alternative—military action? An invasion of Iran would be an unmitigated national security disaster. It would make the mistake of invading Iraq look positively benign, in retrospect. There is no appetite in America for such an endeavor, and there is no way the votes exist in Congress to authorize such an action.

The risk, of course, is that we fall into war by accident or through a series of events that appear as an accident. When you commit yourself to such an unplanned and unscripted series of military and diplomatic escalations, as the Trump administration has, and you have no working channel of communication to settle misunderstandings, then accidents can easily happen. Shots can be fired; lives can be lost, and then our options suddenly narrow. That is the real risk of the path we are on today. What scares the heck out of me is that it is a path that is seemingly being made up day by day, and it is a path that is opposed by our military and that is laid out without any meaningful input from our diplomats who are on the ground in the region. That is a potential recipe for disaster.

It shouldn't matter whether you are a Democrat or a Republican, a liberal or a conservative because messing around in the Middle East, in countries like Iran and Iraq, with no strategy and no clear set of goals should send chills down every Senator's spine.

I yield the floor.

NOMINATION OF JANET DHILLON

Mr. CASEY. Mr. President, I want to say a few words about the nomination of Janet Dhillon to be Chair of the Equal Employment Opportunity Commission, which we know by the shorthand EEOC. I will vote against her nomination. I have voted against it in the past in committee.

But let me tell you about the EEOC. We need a little reminder of this once in a while. It is a bipartisan Commission that for decades has worked to protect American workers from discrimination in the workplace—all kinds of discrimination.

Many lawyers know that if you bring an action in a State court or in a Federal court, the first step is that you have to go through all of your administrative remedies. So if you bring a Federal lawsuit or a civil action based upon discrimination, the first thing you have to do is to go to the EEOC. Before you can get to a Federal district court, you have to go through the EEOC. So it becomes the first court, in essence. It is not technically a court, but it becomes the first place you go to have your "discrimination in the workplace" claim considered.

During that time, since the founding or the beginnings of the EEOC, people in both parties in the Senate have worked together to move forward nominees from both parties in tandem so the Commission could continue its essential work.

Today this bipartisan process is being cast aside by the majority in the Senate because no Democratic nominee is being considered along with Janet Dhillon, who has been proposed by the administration. My colleagues in the majority have decided to abandon this bipartisan cooperation.

We know that the EEOC plays a critical role in protecting workers from all forms—all forms—of workplace discrimination and in ensuring that all workers have equal access to employment opportunities.

Another point that is important is that the EEOC is currently in the middle of collecting data on pay gaps faced by women in the workplace, and the EEOC's leadership is badly needed so that we can work to eliminate workplace sexual harassment—still a big problem where we have a long way to go.

So instead of working with Democrats to make their sure that all—all—EEOC positions are filled so the Commission can undertake this work, the majority is instead working only to advance the Republican nominees put forward by the White House.

This is not how the Senate should work. It certainly is not how the Senate should work as it relates to the EEOC, and the most significant losers here are American workers. They will pay the price because of the EEOC not having more nominations that are bipartisan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak for 6 minutes on the Dhillon nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I come to the floor to oppose the nomination of Janet Dhillon to the Equal Employment Opportunity Commission.

I have a number of concerns about her record, which I plan to lay out here today, but before I do, I want to talk about the process by which this nomination has come to the Senate floor.

It has long been common practice in the Senate to confirm nominees to independent agencies as pairs—one Republican and one Democrat.

We do this so agencies like the EEOC are balanced and are able to fully function no matter which party is in the White House. In the case of the EEOC, it ensures workers are being protected from discrimination in the workplace.

Yet, at every opportunity, Republicans have broken norms and abandoned longstanding practices to jam through their nominees. First it was the National Labor Relations Board, when my colleagues across the aisle jammed through two Republican nominees without any Democrats and then refused to give a highly qualified nominee another term on the Board—all because that highly qualified nominee was fighting on the side of workers, not corporations. Then one lone Republican was allowed to object to the reconfirmation of a well-respected Commissioner to another term on the EEOC, even if that meant the EEOC would no longer have a quorum and be able to perform some of its most critical duties.

I came down to the floor to urge our colleagues to end the partisan obstruction and pass a slate of nominees to the EEOC, but Republican leaders allowed one Republican Member's opposition to a noncontroversial nominee to hold more weight than the entire Senate minority.

Now, here we are today, and Republicans want to jam through another nominee without their Democratic pair, and by doing this, my colleagues across the aisle have now abandoned longstanding norms of the Senate and are once again sending a message to the most vulnerable workers they believe the corporations that discriminate against them deserve more of a say.

This is unacceptable and goes against the core of the EEOC. It is illegal to discriminate against someone in the workplace because of their race, religion, sex, disability, or because they are LGBTQ. It is the EEOC's responsibility to enforce those laws and to give every person the opportunity to earn a living without fear of discrimination or harassment.

The EEOC protects LGBTQ rights in the workplace and is the primary agency addressing the gender pay gap. The EEOC is responsible for addressing harassment in the workplace, an issue our

country has been grappling with but still has a long way to go. Over the past 2 years, as so many brave women and men have spoken out and shared their stories, we have seen a shift in this country toward acknowledging, finally, the epidemic of harassment and assault in workplaces, and finally we are beginning to address it on a large scale. In Hollywood, the media, even in the Halls of Congress—those who have used their position of power to prey on the less powerful are finally being held accountable.

Workers in industries outside the spotlight, in hospitality or farm fields, and in offices around the country are waiting for the same kind of reckoning. For many of these workers, the EEOC is one of the few places they can turn. It is a resource for workers who want to file complaints and hold employers and businesses accountable for discrimination and harassment. This issue should matter to everyone—Democrats and Republicans—and this critical civil rights agency should be able to stay out of the political fray too. We have to ensure that the EEOC is balanced and remains committed to its core mission.

Unfortunately, Janet Dhillon's record proves she is not going to stand up for workers. Ms. Dhillon has spent her career working on the side of corporations, making it easier for them to violate workers' rights without consequence. She has fought against positions the EEOC has taken that help ensure workers have the protections they need.

In her confirmation hearing, she refused to commit to maintaining the EEOC's current and critical position that LGBTQ workers are protected under the Civil Rights Act, which is something, by the way, that should not be up for debate.

So what we are seeing today is another power grab by Republican leaders, another Republican step toward partisanship and away from balance, and if Ms. Dhillon is confirmed, another step backward under Republican leadership for workers who simply want to be treated fairly on the job, especially those workers who historically have not had the rights or resources to come forward.

I urge the Senate leadership to postpone this vote and work with the White House to get our Democratic nominee ready for confirmation—she is waiting—so there is no other break in yet another Senate tradition. It is bad for workers. It is bad for our country.

I yield the floor.

VOTE ON DHILLON NOMINATION

The PRESIDING OFFICER. The question is, will the Senate advise and consent to the Dhillon nomination?

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO), and the Senator from Florida (Mr. SCOTT).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea" and the Senator from Florida (Mr. SCOTT) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Arizona (Ms. SINEMA), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 104 Ex.]

YEAS—50

Alexander	Ernst	Paul
Barrasso	Fischer	Perdue
Blackburn	Gardner	Portman
Blunt	Graham	Risch
Boozman	Grassley	Roberts
Braun	Hawley	Romney
Burr	Hoeven	Rounds
Capito	Hyde-Smith	Sasse
Cassidy	Inhofe	Scott (SC)
Collins	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Kennedy	Thune
Cramer	Lankford	Tillis
Crapo	Lee	Toomey
Cruz	McConnell	Wicker
Daines	McSally	Young
Enzi	Moran	

NAYS—43

Baldwin	Heinrich	Sanders
Blumenthal	Hirono	Schatz
Brown	Jones	Schumer
Cantwell	Kaine	Shaheen
Cardin	King	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Harris	Reed	
Hassan	Rosen	

NOT VOTING—7

Bennet	Murkowski	Sinema
Booker	Rubio	
Klobuchar	Scott (FL)	

The nomination was confirmed.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Michael H. Park, of New York, to be United States Circuit Judge for the Second Circuit.

Mitch McConnell, Tom Cotton, John Boozman, Mitt Romney, Roy Blunt, Joni Ernst, Mike Braun, Thom Tillis,